

### **REMARKS**

In the Office Action mailed July 2, 2004, Applicant respectfully requests consideration of the following remarks. A 37 C.F.R. § 1.131 declaration of the inventor in support of the remarks is included herewith. This response is being submitted concurrently with the Declaration of Howard Fingerhut pursuant to 37 C.F.R. §1.131. The Applicant and the undersigned respectfully submit that the remarks contained herein and the Declaration of Howard Fingerhut place the instant patent application in condition for allowance. Claims 1-22 are pending in the present application. No claims have been amended or canceled and no new matter has been added. Applicant respectfully requests reconsideration and examination in view of the above amendment and the following remarks.

### **Specification**

In the office action, the Examiner reminded the Applicant review the specification for informalities, such as typographical errors. The undersigned has amended the abstract for proper language and format in accordance with the Examiner's instructions.

### **Claim rejections- 35 U.S.C. §102**

Claims 1-4, 12-16, and 18 were rejected under 35 U.S.C. §102 (e) as being anticipated by U.S. Patent Publication Number US 2003/0134648 A1 to Reed et al. (hereinafter "Reed") which has a filing date of September 24, 2002 and claims priority to provisional patent application number 60/327,327 filed on October 4, 2001. In response to the claim rejections, Applicant respectfully submits that Reed does not qualify as prior art under 35 U.S.C. §102(e) based on the new 1.131 declaration attached hereto. The Declaration of Howard Fingerhut under 37 C.F.R. §1.131 establishes the completion of the invention defined by the claims in the present application in the United States prior to October 4, 2001. Therefore, claims 1-4, 12-16, and 18 are allowable over Reed.

**Claim rejections- 35 U.S.C. §103**

Claims 5-6 and 11 were rejected under 35 U.S.C. §103 (a) as being unpatentable over Reed, in view of U.S. Patent Publication Number US 2003/0003909 A1 to Keronen et al (hereinafter "Keronen"). Applicant respectfully submits, however, that Reed does not qualify as prior art under 35 U.S.C. §103(a) for the reasons stated above regarding the rejection of claims 1-4, 12-16, and 18. Applicant also submits that claims 5-6 and 11 are not obvious over Reed in view of Keronen because Keronen, neither alone nor in combination, teaches each recitation of claims 5-6 and 11. Furthermore, because Reed is not prior art, and because Reed in view of Keronen does not teach, suggest or describe the recitations of claims 5-6 and 11, Applicant respectfully submits that claims 5-6 and 11 are allowable over Reed in view of Keronen.

Claim 7 was rejected under 35 U.S.C. §103 (a) as being unpatentable over Reed, in view of U.S. Patent Publication Number US2002/0077118 A1 to Zellner et al. (hereinafter "Zellner"). Applicant respectfully submits, however, that Reed does not qualify as prior art under 35 U.S.C. §103(a) for the reasons stated above regarding the rejection of claims 1-4, 12-16, and 18. Applicant also submits that claim 7 is not obvious over Reed in view of Zellner because Zellner, neither alone nor in combination, teaches each recitation of claim 7. Furthermore, because Reed is not prior art, and because Reed in view of Zellner does not teach, suggest or describe the recitations of claim 7, Applicant respectfully submits that claim 7 is allowable over Reed in view of Zellner.

Claims 8-9 and 17 were rejected under 35 U.S.C. §103 (a) as being unpatentable over Reed, in view of U.S. Patent Publication Number US 2002/0077105 A1 to Chang (hereinafter "Chang"). Applicant respectfully submits, however, that Reed does not qualify as prior art under 35 U.S.C. §103(a) for the reasons stated above regarding the rejection of claims 1-4, 12-16, and 18. Applicant also submits that claims 8-9 and 17 are not obvious over Reed in view of Chang because Chang, neither alone nor in combination, teaches each recitation of claims 8-9 and 17. Furthermore, because Reed is not prior art, and because Reed in view of Chang does not teach, suggest or describe the recitations of claims 8-9 and 17, Applicant respectfully submits that claims 8-9 and 17 are allowable over Reed in view of Chang.

Claims 10 and 19-22 were rejected under 35 U.S.C. §103 (a) as being unpatentable over Reed, in view of Keronen and in further view of Chang. Applicant respectfully submits, however, that Reed does not qualify as prior art under 35 U.S.C. §103(a) for the reasons stated

above regarding the rejection of claims 1-4, 12-16, and 18. Applicant also submits that claims 10 and 19-22 are not obvious over Reed in view of Keronen and Chang because Keronen and Chang, neither alone nor in combination, teach each recitation of claims 10 and 19-22. Furthermore, because Reed is not prior art, and because Reed in view of Keronen and Chang does not teach, suggest or describe the recitations of claims 10 and 19-22, Applicant respectfully submits that claims 10 and 19-22 are allowable over Reed in view of Keronen and in further view of Chang.

**Conclusion**

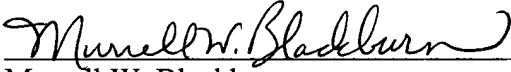
In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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